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Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

Contents

		Paragraphs	*Page*
I.	Introduction	1–3	2
II.	Resolutions of the General Assembly and the Commission on Human Rights	4–5	2
III.	Status of the Convention and the Optional Protocol	6–10	2
IV.	Membership of the Committee against Torture	11–12	3

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I. Introduction

1. The General Assembly, by its resolution 39/46, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with its article 27, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. The General Assembly, in its resolution 57/199, adopted the Optional Protocol to the Convention. The Protocol was opened for signature on 4 February 2003. The Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

II. Resolutions of the General Assembly and the Commission on Human Rights

4. During the reporting period, the General Assembly adopted resolution 59/182 and the Commission on Human Rights adopted resolution 2005/39 on torture and other cruel, inhuman or degrading treatment or punishment. With regard to the Convention, the Assembly urged States that had not yet done so to become parties as a matter of priority; invited all States parties to the Convention that had not yet done so to consider making the declarations provided for in articles 21 and 22 and to consider the possibility of withdrawing their reservations to article 20, and urged States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18; and called upon States parties to consider signing and ratifying the Optional Protocol. The Commission also urged all States to become parties to the Convention; called upon States to ensure that no reservation was incompatible with the object and purpose of the Convention and to review their reservations with a view to withdrawing them; invited States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declarations under articles 21 and 22 and urged States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18; and called upon States to consider signing and ratifying the Optional Protocol.

5. In paragraph 26 of resolution 59/182, the Assembly requested the Secretary-General to report to it at its sixtieth session on the status of the Convention. The present document is submitted in accordance with that request.

III. Status of the Convention and the Optional Protocol

6. As at 1 July 2005, the Convention had been ratified or acceded to by 139 States. In addition, 12 States had signed the Convention.[1]

7. Under article 21 of the Convention, a State party may at any time declare that it recognizes the competence of the Committee against Torture to receive and

consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

8. As at 1 July 2005, 51 of the States parties to the Convention had made the declarations provided for in articles 21 and 22 of the Convention. In addition, four States parties had made the declaration provided for in article 21 only, thus bringing the total number of declarations under that article to 55. Five States parties had made the declaration provided for in article 22 only, thus bringing the total of declarations under that article to 56.[2]

9. The provisions of articles 21 and 22 entered into force on 26 June 1987, in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

10. As at 1 July 2005, 10 States had ratified or acceded to the Optional Protocol to the Convention. In addition, 31 States have signed the Optional Protocol.

IV. Membership of the Committee against Torture

11. The membership of the Committee against Torture, established under article 17 of the Convention for 2005, is given in the following table (for the report of the Committee on its thirty-third and thirty-fourth sessions, see A/59/44):

Member	*Term expires in*
Guibril Camara (Senegal)	2007
Sayed Kassem El Masry (Egypt)	2005
Felice Gaer (United States of America)	2007
Claudio Grossman (Chile)	2007
Andreas Mavrommatis (Cyprus)	2007
Fernando Mariño Menendez (Spain)	2005
Julio Prado-Vallejo (Ecuador)	2007
Ole Vedel Rasmussen (Denmark)	2005
Alexander M. Yakovlev (Russian Federation)	2005
Wang Xuexian (China)	2005

12. The Committee against Torture held its thirty-third and thirty-fourth sessions at the United Nations Office at Geneva from 15 to 26 November 2004 and 2 to 20 May 2005, respectively. In accordance with article 24 of the Convention, the Committee will submit its annual report, covering its activities at the sessions

referred to above, to the States parties and to the General Assembly at its sixtieth session.

Notes

[1] For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, see www.un.org or www.ohchr.org.

[2] For the text of declarations and reservations, see www.un.org or www.ohchr.org.